

## Message Text

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PAGE 01 BRASIL 01576 282355Z

ACTION OES-06

INFO OCT-01 ARA-10 ISO-00 COME-00 L-03 DLOS-06 SAL-01

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FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC NIACT IMMEDIATE 0310

UNCLAS BRASILIA 1576

E.O. 11652: N/A

TAGS: EFIS, US, BR, PLOS

SUBJECT: US-BRAZIL SHRIMP AGREEMENT

REF: BRASILIA 1570

1. THERE FOLLOWS FOR DEPT. APPROVAL TEXT OF ANNEX II  
AND NOTE EXTENDING EXISTING AGREEMENT ON INTERIM  
BASIS. TEXT OF NEW AGREEMENT WILL BE INITIALLED  
MARCH 1, AND NOTES EXCHANGED TO EXTEND EXISTING  
AGREEMENT, UNLESS DEPT. HAS OBJECTION BEFORE OPENING  
OF BUSINESS.

2. ANNEX II

(A) NOT MORE THAN 90 UNITED STATES FISHING VESSELS  
SHALL BE AUTHORIZED BY THE GOVERNMENT OF THE FEDERATIVE  
REPUBLIC OF BRAZIL TO FISH FOR SHRIMP IN THE AREA OF  
THE AGREEMENT. SUCH VESSELS SHALL BE OF THE SAME TYPE  
(UP TO APPROXIMATELY 85 FEET IN LENGTH) AND HAVE THE  
SAME GEAR AS THOSE PREVIOUSLY EMPLOYED IN THE FISHERY.  
THEY SHALL NOT EMPLOY, IN FISHING OPERATIONS, ELECTRICAL  
FISHING EQUIPMENT, NOR SHALL CHEMICAL, TOXIC, EXPLOSIVE  
OR POLLUTING SUBSTANCES, OR OTHER MATERIAL WITH SIMILAR  
DESTRUCTIVE EFFECT, BE EMPLOYED.

UNCLASSIFIED

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PAGE 02 BRASIL 01576 282355Z

(B) IN THE EVENT UNITED STATES FISHING VESSEL OWNERS  
APPLY FOR AUTHORIZATIONS FOR MORE THAN 90 VESSELS  
TO FISH FOR SHRIMP IN THE AREA OF THE AGREEMENT, THE  
GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL WILL  
EXCLUDE NEW ENTRANTS TO THE FISHERY AS NECESSARY.  
IN SUCH EVENT, VESSEL OWNERS MAY MAKE SUBSTITUTIONS  
ON A VESSEL FOR VESSEL BASIS WITHIN THE SAME NUMBER

OF AUTHORIZATIONS BY COMPLYING WITH ARTICLE IV OF THIS AGREEMENT WITHOUT REGARD TO THE REQUIREMENTS OF ARTICLE VI, PARAGRAPH (1).

(C) SHRIMP FISHING IN THE AREA OF THE AGREEMENT SHALL BE LIMITED TO THE PERIOD FROM MARCH 1ST TO NOVEMBER 30TH.

(D) SHRIMP FISHING IN THAT PART OF THE AREA OF THE AGREEMENT SOUTHEAST OF A BEARING OF 240 DEGREES FROM PONTA DO CEU RAEIO BEACON SHALL BE LIMITED TO THE PERIOD FROM MARCH 1ST TO JULY 1ST

(E) TRANSSHIPMENT OF CATCH MAY BE MADE ONLY BETWEEN VESSELS FISHING IN THE AREA OF THE AGREEMENT UNDER THE TERMS OF THIS AGREEMENT.

3. NOTE EXTENDING 1975 AGREEMENT WOULD READ AS FOLLOWS:

I HAVE THE HONOR TO REFER TO THE AGREEMENT BETWEEN OUR TWO GOVERNMENTS CONCERNING SHRIMP, WHICH IS NOW DUE TO EXPIRE ON MARCH 1, 1977.

TAKING INTO ACCOUNT NEGOTIATIONS JUST COMPLETED BY REPRESENTATIVES OF OUR TWO GOVERNMENTS LOOKING TOWARD NEW ARRANGEMENTS FOR THE CONDUCT OF UNITED STATES SHRIMP FISHING OPERATIONS OFF THE COAST OF BRAZIL AND THE NEED FOR A TRANSITIONAL ARRANGEMENT IN ORDER TO AVOID ANY UNNECESSARY INTERRUPTION IN THE FISHERY FOR SHRIMP BY UNITED STATES UNCLASSIFIED

UNCLASSIFIED

PAGE 03 BRASIL 01576 282355Z

VESSELS, I HAVE THE HONOR TO PROPOSE THAT THE AGREEMENT REFERRED TO ABOVE BE AGAIN EXTENDED FOR AN ADDITIONAL PERIOD OF 60 DAYS, OR UNTIL COMPLETION OF THE PROCEDURES SPECIFIED IN ARTICLE IV OF THE NEW AGREEMENT WHEN IT ENTERS INTO FORCE, WHICHEVER IS SOONER, SUBJECT TO THE FOLLOWING MODIFICATIONS AND WITHOUT PREJUDICE TO THE PRINCIPLES REFLECTED IN THE NEW AGREEMENT. CONSIDERING THAT ANNEX II OF THE 1975 AGREEMENT DOES NOT ESTABLISH THE NUMBER OF UNITED STATES VESSELS THAT MAY FISH IN 1977, I HAVE THE FURTHER HONOR TO PROPOSE THAT ITS ANNEX II BE AMENDED PURSUANT TO ARTICLE II TO PROVIDE THAT NOT MORE THAN 90 AUTHORIZATIONS, BASED ON A LIST WHICH WILL BE PROVIDED BY THE UNITED STATES GOVERNMENT, SHALL BE ISSUED DURING THIS 60 DAYS PERIOD AND THAT THE BRAZILIAN AUTHORITIES WILL DETERMINE WHICH VESSELS WILL BE AUTHORIZED IN THE EVENT APPLICATIONS EXCEED THAT NUMBER.

WITH RESPECT TO ARTICLE IV OF THE 1975 AGREEMENT, AND IN LIGHT OF THE LIMITED DURATION OF THE EXTENSION PROPOSED HEREIN, I HAVE THE HONOR TO PROPOSE THAT THE REQUIREMENTS OF ARTICLE VI BE DEEMED TO BE SATISFIED UPON THE PAYMENT OF \$59,000.00 TO THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL, WHICH PAYMENT SHALL BE MADE BY THE UNITED STATES GOVERNMENT IN ACCORDANCE WITH APPLICABLE DOMESTIC LAW, AND UPON THE FURTHER ASSURANCE OF THE UNITED STATES GOVERNMENT THAT FULL PAYMENTS OF FEES FOR VESSELS APPLYING TO FISH UNDER THE TERMS OF THIS EXTENSION AND THE 1977 AGREEMENT WILL BE FORWARDED TO THE FEDERATIVE REPUBLIC OF BRAZIL PRIOR TO THE EXPIRATION OF THIS EXTENSION.

IF THE FOREGOING IS ACCEPTABLE TO YOUR GOVERNMENT, I HAVE THE HONOR TO PROPOSE THAT THIS NOTE AND YOUR REPLY SHALL CONSTITUTE AN AGREEMENT BETWEEN OUR UNCLASSIFIED

UNCLASSIFIED

PAGE 04 BRASIL 01576 282355Z

TWO GOVERNMENTS, WHICH SHALL ENTER INTO FORCE UPON THE DATE OF YOUR EXCELLENCY'S REPLY.

4. ADD TO AGREED MINUTES TRANSMITTED REFTEL THE FOLLOWING PARA:

THE BRAZILIAN DELEGATION TOOK NOTE OF THE REQUEST OF THE UNITED STATES DELEGATION THAT, IN MAKING DETERMINATIONS NOT TO AUTHORIZE PARTICULAR FISHING VESSELS IN THE EVENT MORE THAN 90 FISHING VESSELS APPLY, AS PROVIDED IN PARAGRAPH 2 OF ANNEX II, THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL WOULD TAKE INTO ACCOUNT, INTER ALIA, THE FACT THAT SHRIMPING OPERATIONS IN THE AREA OF THE AGREEMENT ARE CONDUCTED BY INDIVIDUAL FLEETS, WITH A VIEW TOWARD MINIMIZING ECONOMIC DISLOCATIONS. CRIMMINS

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## Message Attributes

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